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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

YEAGER GUSTAVO PAZ,

Defendant and Appellant.

B207605

(Los Angeles County  
Super. Ct. No. VA094429)

APPEAL from a judgment of the Superior Court of Los Angeles County,  
Margaret Miller Bernal, Judge. Affirmed.

Judy Fridkis, under appointment by the Court of Appeal, for Defendant and  
Appellant.

No appearance for Plaintiff and Respondent.

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On April 3, 2006, Yeager Gustavo Paz was charged by felony complaint in Los Angeles Superior Court case No. VA094429 with grand theft auto, unlawfully driving or taking a motor vehicle and receiving stolen property. On June 11, 2007, Paz waived his right to a jury trial and entered a negotiated plea of no contest to unlawfully driving or taking a motor vehicle. Pursuant to the plea agreement, imposition of sentence was suspended and he was placed on three years of formal probation. The remaining charges were dismissed on the People's motion.

On August 4, 2007, Paz demanded money at gun point from a gas station cashier. Police detained Paz near the gas station and found he possessed a knife and \$145 in cash. The cashier identified Paz as the robber. Following his arrest, Paz was advised of and waived his right to remain silent, to the presence of an attorney and, if indigent, to appointed counsel. (*Miranda v. Arizona* (1966) 384 U.S. 436 [86 S.Ct. 1602, 16 L.Ed.2d 694]) and admitted committing the robbery.

On August 21, 2007, Paz's probation in case No. VA094429 was summarily revoked in light of his new arrest. On September 18, 2007, Paz was charged by information in Los Angeles Superior Court case No. VA101954 with second degree robbery, with a special allegation he had personally used a deadly weapon to commit the offense.

On December 10, 2007, the probation violation in case No. VA101954 was submitted by the parties on the preliminary hearing transcript. The trial court found Paz in violation of probation and continued sentencing on the violation.

On December 12, 2007, the trial court heard and granted Paz's *Pitchess* motion (*Pitchess v. Superior Court* (1974) 11 Cal.3d 531; Evid. Code, §§ 1043-1045) for the discovery of the personnel records of one of the arresting officers. The court conducted an in camera hearing and ordered certain documents be disclosed to the defense.

On March 4, 2008, a jury convicted Paz of second degree robbery and found he had personally used a deadly weapon to commit the offense.

At a combined sentencing hearing on April 25, 2008, the trial court imposed an aggregate state prison term of four years eight months: In case No. VA101954, the three-

year middle term for robbery plus the one-year term for the deadly weapon enhancement. In case No. VA094429, a consecutive term of eight months (one-third the two-year middle term) for the probation violation. Paz received presentence custody credit of 305 days (266 actual days and 39 days of conduct credit). The court ordered Paz to pay a \$20 court security fee and a \$200 restitution fine. A parole revocation fine was imposed and suspended pursuant to Penal Code section 1202.45.

We appointed counsel to represent Paz on appeal. After examination of the record counsel filed an “Opening Brief” in which no issues were raised. On October 7, 2008, we advised Paz he had 30 days within which to personally submit any contentions or issues he wished us to consider. No response has been received to date.

We have examined the entire record and are satisfied Paz’s attorney has fully complied with the responsibilities of counsel and no arguable issues exist. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

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ZELON, J.

We concur:

WOODS, Acting P. J.

JACKSON, J.